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2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper of the Chair of Main Committee II

Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolutions adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference

The Conference recalls and reaffirms the decisions of the 1995 Review and Extension Conference entitled "Principles and objectives for nuclear non-proliferation and disarmament", noting paragraph 1 of the principles and the elements relevant to article III of the Treaty, in particular paragraphs 9-13 and 17-19, and to article VII, in particular paragraphs 5-7. It also recalls and reaffirms the Resolution on the Middle East adopted at that Conference. The Conference also recalls and reaffirms the outcome of the 2000 NPT Review Conference and the conclusions and recommendations for follow-on actions adopted by the 2010 NPT Review Conference.

Articles I and II and first to third preambular paragraphs

Non-proliferation

1. The Conference reaffirms that the full and effective implementation of the Treaty and the regime of non-proliferation in all its aspects has a vital role in promoting international peace and security. The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. The Conference remains convinced that universal adherence to the Treaty and full compliance of all parties with all its provisions are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices. The Conference calls upon all States parties to exert all efforts to promote universal adherence to the Treaty, and not to undertake any action that can negatively affect prospects for the universality of the Treaty.

2. The Conference recalls that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the

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corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty.

3. The Conference notes that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

4. The Conference notes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

5. The Conference reaffirms the commitment of States parties to the effective implementation of the objectives and provisions of the Treaty, the decisions and resolution of the 1995 Review and Extension Conference adopted without a vote, the final document of the 2000 Review Conference, adopted by consensus, and the conclusions and recommendations for follow-on actions adopted by consensus by the 2010 Review Conference.

6. The Conference reaffirms that the strict observance of all the provisions of the Treaty remains central to achieving the shared objectives of the total elimination of nuclear weapons, preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

7. The Conference emphasizes that responses to concerns over compliance with any obligation under the Treaty by any State party should be pursued by diplomatic means, in accordance with the provisions of the Treaty and the Charter of the United Nations.

8. The Conference recognizes that breaches of the Treaty's obligations undermine nuclear disarmament, non-proliferation and peaceful uses of nuclear energy.

Article III and fourth and fifth preambular paragraphs, especially in their relationship to article IV and sixth and seventh preambular paragraphs

Safeguards

9. The Conference reaffirms that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with the Statute of IAEA and the IAEA safeguards system, compliance by States parties with the safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of the IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and

information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. The Conference expresses its concern with cases of non-compliance of the Treaty by States parties, and calls on those States non-compliant to move promptly to full compliance with their obligations.

11. The Conference underscores the importance in complying with the non-proliferation obligations, addressing all non-compliance matters in order to uphold the Treaty's integrity and the authority of the IAEA safeguards. The Conference also underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the IAEA's Statute and the respective legal obligations of States parties. In this regard, the Conference calls upon the States parties to extend their cooperation to the IAEA.

12. The Conference emphasizes the importance of access to the Security Council and the General Assembly by the IAEA, including its Director General, in accordance with Article XII.C. of the Statute of IAEA and paragraph 19 of INFCIRC/153 (Corrected), and the role of the Security Council and the General Assembly, in accordance with the Charter of the United Nations, in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified by the IAEA.

13. The Conference emphasizes that IAEA safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

14. The Conference stresses that the non-proliferation and safeguards commitments in the Treaty are also essential for peaceful nuclear commerce and cooperation and that IAEA safeguards make a vital contribution to the environment for peaceful nuclear development and international cooperation in the peaceful uses of nuclear energy. The Conference considers that safeguards should be implemented in a manner designed to comply with article IV of the Treaty and avoid hampering the economic or technological development of the States parties or international cooperation in the field of peaceful nuclear activities.

15. States parties emphasize that there is a distinction between the legal obligations of States and voluntary measures aimed at facilitating and strengthening the implementation of safeguards and aimed at confidence building, bearing in mind the obligation of States to cooperate with the IAEA to facilitate the implementation of safeguards agreements.

16. The Conference recalls the importance of the application of IAEA safeguards pursuant to comprehensive safeguards agreements based on INFCIRC/153 (Corrected) to all source and special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III, paragraph 1, of the Treaty for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices. The Conference welcomes the fact that 172 States parties have in force comprehensive safeguards agreements with IAEA and that six additional States have brought into force comprehensive safeguards agreements with the IAEA since the 2010 Review Conference. The Conference urges the non-nuclear-weapon States party to the

Treaty that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible and without further delay.

17. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to article III, paragraph 1, of the Treaty should be designed to provide for verification by IAEA of the correctness and completeness of a State's declarations so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

18. The Conference recognizes that comprehensive safeguards agreements based on INFCIRC/153 (Corrected) have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that implementation of the measures specified in the Model Additional Protocol (INFCIRC/540 (Corrected)) provides, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole and that those measures are an integral part of IAEA safeguards.

19. The Conference bears in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force or applied provisionally, the additional protocol is a legal obligation.

20. The Conference considers that, in the case of a State party with a comprehensive safeguards agreement and an additional protocol in force, the comprehensive safeguards agreement and the additional protocol represent the enhanced verification standard for that State which enables the IAEA to provide increased assurances on the non-diversion of declared nuclear material and on the absence of undeclared nuclear material and activities in the State as a whole.

21. The Conference stresses the importance of the IAEA exercising fully its mandate and its authority in accordance with its Statute to provide assurances about the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities in accordance with respective comprehensive safeguards agreements and, where relevant, additional protocols.

22. The Conference welcomes the fact that 124 States parties have brought additional protocols into force and that 23 of these States parties have brought the additional protocol into force since the 2010 Review Conference. The Conference encourages all States parties that have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force.

23. The Conference encourages IAEA to further facilitate and assist the States parties upon request in the conclusion, entry into force and implementation of comprehensive safeguards agreements and additional protocols. The Conference calls on IAEA and States parties to consider specific measures that would promote the universalization of the comprehensive safeguards agreements, and adherence to additional protocols.

24. The Conference welcomes the fact that 60 States parties have amended their small quantities protocols and 5 other States parties have rescinded their small quantities protocols. The Conference also welcomes the fact that 17 States parties

accepted the revised small quantities protocol since the 2010 Review Conference and urges all States parties with small quantities protocols which have not yet done so to amend or rescind them, as appropriate, as soon as possible.

25. The Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of the IAEA resources, and stresses that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved.

26. The Conference stresses the importance of maintaining and observing fully the principle of confidentiality regarding all information related to implementation of safeguards in accordance with safeguards agreements, the IAEA's Statute and its confidentiality regime. The Conference notes the steps taken by the IAEA Secretariat to protect classified safeguards information and that the Secretariat will continue to review and update the established procedures for the protection of classified safeguards information within the Secretariat.

27. The Conference notes the considerable increase in the IAEA's safeguards responsibilities and the financial constraints under which the IAEA safeguards are functioning. The Conference calls upon all States parties to ensure that IAEA continues to have all political, technical and financial support so that it is able to effectively meet its responsibility to apply safeguards as required by article III of the Treaty.

28. The Conference emphasizes the importance of maintaining the credibility, effectiveness, and integrity of IAEA safeguards, and stresses that safeguards implementation should remain technically based, effective, transparent, non-discriminatory, and objective. The Conference welcomes the assurances, clarifications and additional information provided by the IAEA Secretariat in 2014 on the implementation of safeguards in the context of the State-level concept, following the intensive consultation process between the Secretariat and Member States, and also the intention of the Secretariat to continue to engage in open and active dialogue with States on safeguards matters. The Conference notes the work of the IAEA to develop and implement State-level safeguards approaches within the scope of States' safeguards agreements and encourages States parties to support the IAEA to effectively develop and implement State-level safeguards approaches in close consultation and coordination with State and/or regional authorities.

29. The Conference reaffirms that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented by all States parties.

30. The Conference welcomes efforts to strengthen safeguards and notes the IAEA's Secretariat activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant safeguards agreements.

31. The Conference welcomes additional technical and financial contributions by States to help the IAEA meet its safeguards responsibilities, and to enhance the related technology base, including the modernization of its Safeguards Analytical Laboratories. It notes the assistance provided by Member States and relevant

organizations to the IAEA, including through Member State Support Programme, to facilitate capacity building, including related research and development, and implementation of safeguards. The Conference welcomes the fact that such assistance will continue to be provided towards that end.

32. The Conference encourages States parties, within the framework of the IAEA Statute, to further develop a robust, flexible, adaptive and cost-effective international technology base for advanced safeguards through cooperation among Member States and with IAEA. The Conference also encourages States concerned to promote early consultations with the IAEA at the appropriate stage on safeguards relevant aspects of new nuclear facilities in order to facilitate future safeguards implementation.

33. The Conference considers that the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the IAEA's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer.

Nuclear Security

34. The Conference recognizes that the responsibility for nuclear security within a State rests with that States. The Conference recalls that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by appropriate and effective levels of nuclear security, consistent with States' national legislation and respective international obligations.

35. The Conference stresses the importance of effective physical protection of all nuclear material and nuclear facilities. The Conference calls upon all States, within their responsibility, to achieve and maintain highly effective nuclear security, including physical protection, of nuclear and other radioactive material during use, storage and transport and of the associated facilities at all stages in their life cycle, as well protecting sensitive information. In this regard the Conference encourages all States, in their efforts to strengthen nuclear security, to take into account and apply, as appropriate, the IAEA's Nuclear Security Series publications.

36. The Conference reaffirms the central role of the IAEA in strengthening the nuclear security framework globally and in coordinating international activities in the field of nuclear security. The Conference welcomes the contribution made by the Nuclear Security Guidance Committee in the development of the Nuclear Security Series publications. The Conference also welcomes the outcome of the International Conference on Nuclear Security: Enhancing Global Efforts, organized by the IAEA in Vienna in July 2013, in particular the Ministerial Declaration, and the organization of the next international conference on nuclear security in 2016.

37. The Conference encourages the IAEA to continue to assist States upon request in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State systems of accounting for and control of nuclear material. The Conference also encourages States to make further use of assistance in the field of nuclear security, where such assistance is needed and requested, including though the IAEA services in the field of nuclear security, such as the Integrated Nuclear Security Support Plans (INSSPs), International Nuclear

Security Advisory Service (INSServ) and International Physical Protection Advisory Service (IPPAS) missions.

38. The Conference welcomes the recent accessions to the amendment to the Convention on the Physical Protection of Nuclear Material. The Conference calls on all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and the purpose of the amendment until such time as it enters into force. The Conference also encourages all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible.

39. The Conference stresses the importance that all States parties improve their national capabilities to prevent, detect and respond to illicit trafficking in nuclear and other radioactive materials throughout their territories, in accordance with their national legislation and relevant international obligations. The Conference notes the work of the IAEA in support of the efforts of States to combat such trafficking, including the IAEA's activities undertaken to provide for an enhanced exchange of information and the continued maintenance of its incident and trafficking database. The Conference calls upon all States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear material throughout their territories, in accordance with their national legislation and relevant international obligations, and calls upon those States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard. The Conference also calls upon States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations.

40. States parties express concerns related to the threat of terrorism and the risk that non State actors might acquire nuclear weapons and their means of delivery. The Conference recalls the obligation of all States to implement fully the United Nation Security Council resolution 1540 (2004).

41. The Conference encourages all States that have not yet done so to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible.

42. The Conference welcomes the contribution made by the Nuclear Security Summits in Washington, Seoul and The Hague and the commitments of participating States to further strengthen nuclear security and looks forward to the summit to be held in the United States in 2016. The Conference stresses the central role of the IAEA in strengthening the nuclear security framework and emphasizes the need for the involvement of all States in nuclear security-related activities and initiatives in an inclusive manner. The Conference encourages the IAEA to continue, in coordination with Member States, to play a constructive and coordinating role in other nuclear security-related initiatives, within their respective mandates and memberships, including the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership Against the Spread of Weapons and Materials Mass Destruction, and to work jointly, as appropriate, with relevant international and regional organizations and institutions.

Export controls

43. The Conference urges all States parties to ensure that their nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

44. The Conference recognizes that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual-use items to all States taking into account articles I, II and III of the Treaty, and for States parties, also fully respecting article IV. In this context, the Conference urges States parties that have not yet done so to establish and implement effective national rules and regulations. The Conference encourages States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.

45. The Conference encourages States parties to consider whether a recipient State has brought into force IAEA safeguards obligations in making nuclear export decisions.

46. The Conference underlines that any supplier arrangement should continue to be transparent and to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III and IV of the Treaty.

47. The Conference recalls that the 1995 Extension and Review Conference noted that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

48. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes.

49. The Conference encourages all States parties to facilitate transfers of nuclear technology and materials and international cooperation among States parties, in conformity with articles I, II, III and IV of the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty.

50. The Conference welcomes cooperation among States parties and assistance available, including through the IAEA, to promote and implement high standards of safeguards, nuclear security and export controls. The Conference encourages States parties in a position to contribute to such efforts to do so. The Conference also encourages States parties in need of assistance to make use of the assistance available.

Article VII

Nuclear-weapon-free zones

51. The Conference reaffirms the conviction that the further establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament. The Conference reaffirms its support for internationally recognised nuclear-weapon-free zones established on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission.

52. The Conference recognizes the continuing contributions that the Antarctic Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the Treaty on the Southeast Asia Nuclear Weapon-Free Zone (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia are making towards attaining the objectives of nuclear disarmament and nuclear non-proliferation. The Conference welcomes the parallel declarations adopted by the nuclear-weapon States and Mongolia on 17 September 2012, concerning Mongolia's nuclear-weapon-free status. The Conference also welcomes the increased cooperation amongst the parties to the zones. States parties note the convening in 2015 of the Third Conference of the States Parties and Signatories to Treaties that Established Nuclear-Weapon-Free Zones and Mongolia.

53. The Conference welcomes the progress toward ratification by the nuclear-weapon States of the relevant protocols to nuclear-weapon-free-zone treaties and the continuing efforts in this regard of the parties to the Treaty on the Southeast Asia Nuclear Weapon-Free Zone and the nuclear-weapon States pertaining to the Protocol to that Treaty. States parties look forward to the nuclear-weapon States signing and ratifying the Protocol to that Treaty as soon as possible. The Conference welcomes the signature and ratification by nuclear-weapon States of the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. The Conference stresses the importance of the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to the treaties that establish nuclear-weapon-free zones in order to assure the total absence of nuclear weapons in the respective territories as envisaged in article VII of the Treaty.

54. The Conference calls on the nuclear-weapon States to bring into effect the security assurances provided by nuclear-weapon-free-zone treaties and their protocols.

55. The Conference underlines the importance of the establishment of nuclear weapon-free zones where they do not exist, especially in the Middle East.

Regional issues

[PLACE HOLDER]